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0909 U.S. PTO

Patent  
TRAPTEC-13

S. PTO  
10/627478

07/24/03

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. TRAPTEC-13  
Inventors: George H. Lerg, et al  
Prior Application Information:  
Serial No. 09/908,309  
Examiner: N. Tong  
Art Unit: 2632

Mail Stop: Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

### FILING UNDER 37 CFR § 1.53(b)

This is a request for filing for a

continuation       divisional       continuation-in-part (CIP)

application under 37 CFR § 1.53(b) of pending prior application Serial No. 09/908,309, filed on July 17, 2001, which is due to issue as U.S. Patent No. 6,600,417, on July 29, 2003, which is a continuation of Serial No. 09/588,863, filed on June 6, 2000, which issued as U.S. Patent No. 6,288,643, on September 11, 2001, which claims priority to U.S. Provisional Applications No. 60/137,962, filed on June 7, 1999, U.S. Application No. 60/180,771, filed on February 7, 2000, and U.S. Application No. 60/194,082, filed on April 3, 2000, by:

**George H. Lerg; Arthur J. Devine; Donald L. Roberts and Randy E. Johnson**  
entitled:

### GRAFFITI DETECTION SYSTEM AND METHOD OF USING THE SAME

The entire disclosure of the pending prior application Serial No. 09/908,309, from which an oath or declaration is supplied, is considered a part of the disclosure of the accompanying continuation application and is hereby incorporated by reference.

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#### CERTIFICATE OF MAILING (37 C.F.R. §1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' in an envelope addressed to Mail Stop: Patent Application, the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

EV324274197US  
Express Mail Label No.

July 24, 2003  
Date of Deposit

Kimberly N. Lane  
Name of Person Mailing Paper

Kimberly N. Lane  
Signature of Person Mailing Paper

**I. APPLICATION ELEMENTS ENCLOSED**

29 Page(s) of Written Description  
11 Page(s) of Claims  
1 Page(s) of Abstract  
4 Sheet(s) of Drawings  formal  informal  
3 Page(s) of  Declaration or  Declaration and Power of Attorney

Copy from prior application [37 CFR §1.63(d)]  
 Newly executed

Other:

- Assignment papers (cover sheet and documents(s))  
 An Information Disclosure Statement, PTO 1449,  with copies of cited items.  
 Revocation and Grant of Power of Attorney  
 Preliminary Amendment

**II. FEE CALCULATION**

- Applicant claims small entity status under 37 CFR 1.27.

| <b>BASIC FILING FEE:</b>                      |          |                 |    |                                     | 750.00                                  |
|---|----------|-----------------|----|-------------------------------------|---|
| Total Claims                                  | 12       | -               | 20 | =                                   | <input type="checkbox"/> \$18.00 \$0.00 |
| Independent Claims                            | 3        | -               | 3  | =                                   | <input type="checkbox"/> \$84.00 \$0.00 |
| Multiple Dependent Claims                     | \$280.00 | (if applicable) |    | <input type="checkbox"/>            | \$0.00                                  |
| <b>TOTAL OF ABOVE CALCULATIONS</b>            |          |                 |    |                                     | \$750.00                                |
| Reduction by ½ for Filing by Small Entity.    |          |                 |    | <input checked="" type="checkbox"/> | \$375.00                                |
| Misc. Filing Fees (Recordation of Assignment) |          |                 |    |                                     | \$0.00                                  |
| <b>TOTAL FEES DUE HEREWITH</b>                |          |                 |    |                                     | \$375.00                                |

**III. PRIORITY - 35 USC § 119**

- Priority of applications Serial No. 60/137,962, filed on June 7, 1999, in U.S.;  
60/180,771, filed on February 7, 2000, in U.S.; and 60/194,082, filed on April 3, 2000, in U.S. is claimed under 35 USC § 119.  
 The certified copy has been filed in prior U.S. application Serial No. \_\_\_\_\_ on \_\_\_\_\_.  
 The certified copy will follow.

**IV. AMENDMENTS**

- Cancel in this application original Claims 1-72 before calculating the filing fee. (At least one original independent claim must be retained for filing purposes if no new claims are added in a preliminary amendment.)
- A Preliminary Amendment is enclosed. (Claims added by Amendment must be numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

**V. RELATE BACK - 35 USC § 120**

- Relate back information included in preliminary amendment or specification.
- With respect to the prior co-pending U.S. application from which this application claims benefit under 35 USC § 120, the inventor(s) in this application is (are) [37 CFR 1.53(b)(1)]:
  - the same.
  - less than those named in the prior application and it is requested that the following inventor(s) identified above for the prior application be deleted [see 37 CFR §§1.33(b) AND 1.63(d)(2)]:

**VI. METHOD OF PAYMENT OF FEES**

- Attached is a check in the amount of \$375.00.
- Charge Procopio, Cory, Hargreaves & Savitch's Deposit Account No. 50-2075 in the amount of \_\_\_\_\_.
- Not attached. No filing fee is submitted. [This and the surcharge required by 37 CFR § 1.16(e) can be paid subsequently.]

**VII. AUTHORIZATION TO CHARGE ADDITIONAL FEES**

The Commissioner is hereby authorized to credit Procopio, Cory, Hargreaves & Savitch's Deposit Account No. 50-2075 for any over payment of fees and to charge the following additional fees by this paper and during the entire pendency of this application to Deposit Account No. 50-2075:

- 37 CFR § 1.16 (Filing fees and excess claims fees)
- 37 CFR § 1.17 (Application processing fees)
- 37 CFR § 1.21 (Assignment recordation fees)

**VIII. POWER OF ATTORNEY & CORRESPONDENCE ADDRESS**

- The power appears in the original papers in the prior application.
- The power does not appear in the original papers, but was filed on \_\_\_\_\_ in prior application Serial No. \_\_\_\_\_.
- A copy of the revocation and grant of power as submitted in parent application serial number 09/908,309 is attached.
- A copy of the Notice of Acceptance of Power of Attorney issued in connection with parent application serial number 09/908,309 is attached.

Please send all correspondence to Customer Number 27189:



PROCOPIO, CORY, HARGREAVES  
& SAVITCH  
530 B Street, Suite 2100  
San Diego, CA 92101-4469  
(619) 238-1900

Please direct all inquiries to Stephen C. Beuerle, at the above Customer Number.

**IX. MAINTENANCE OF CO-PENDENCY OF PRIOR APPLICATION**

- A petition, fee and response has been filed to extend the term in the pending **prior** application until \_\_\_\_\_. A copy of the petition for extension of time in the **prior** application is attached.
- A conditional petition for extension of time is being filed in the pending **prior** application. A copy of the conditional petition for extension of time in the **prior** application is attached.

**X. ABANDONMENT OF PRIOR APPLICATION**

- Please abandon the prior application at a time while the prior application is pending or when the petition for extension of time or to revive in that application is granted and when this application is granted a filing date so as to make this application co-pending with said prior application. At the same time, please add the words "now abandoned" to the amendment of the specification set forth in Item V above.

Respectfully submitted,

PROCOPIO, CORY HARGREAVES  
& SAVITCH LLP

Dated: July 24, 2003

By:   
Stephen C. Beuerle  
Reg. No. 38,380

Assignee:

Traptec Corporation  
Rancho Santa Fe, California

Assignment recorded in PTO on June 6, 2001, Reel/Frame Nos. 010849/0570.